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May 21, 2014

VIA ECF

Honorable Vincent L. Briccetti
United States District Judge
United States District Court
Southern District of New York
300 Quarropas Street, Room 620
White Plains, New York 10601

**Re: Jian Wang a/k/a James Wang v.
International Business Machines
Corp.
11 Civ. 2992 (VB)**

Dear Judge Briccetti:

We are counsel for Defendant International Business Machines Corp. ("IBM" or "Defendant") in the above action. As the parties jointly advised the Court in their April 15, 2014 correspondence, the parties have reached a binding settlement agreement in connection with this matter, the terms of which are contained in a Memorandum of Understanding that was executed by the parties on April 9, 2014. We are aware that counsel for Plaintiff Jian Wang a/k/a James Wang ("Plaintiff" or "Mr. Wang") has requested to withdraw and have been advised that Plaintiff is taking the position that there is no settlement agreement. We have not been advised by Plaintiff's counsel or by Plaintiff as to the reason for Plaintiff's position change. We will be opposing the motion since the only remaining issue in this case is enforcement of the settlement agreement, and Plaintiff's counsel was present at the mediation, involved in all settlement discussions, and necessary to resolving any issue pertaining to the enforceability of the parties' agreement. Accordingly, on Friday, May 23, 2014, Defendant will file a Motion to Enforce Settlement in this action, which we anticipate being heard at the conference already scheduled for June 6, 2014. We write to request permission to file redacted copies of certain exhibits in support of Defendant's motion, including the Memorandum of Understanding and related emails (with only monetary terms redacted), and to provide Your Honor's Chambers and Plaintiff's counsel with unredacted versions.

As Eisenberg & Baum, LLP is still counsel of record for Plaintiff, we are copying Mr. Rozynski and Mr. Baum on this letter with the expectation that they will forward a copy to Mr. Wang.



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Thank you for your consideration.

Respectfully submitted,
JACKSON LEWIS P.C.

A handwritten signature in black ink, appearing to read "Kevin G. Lauri". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kevin G. Lauri

cc: Andrew Rozynski, Esq.
Eric Baum, Esq.
Dana G. Weisbrod, Esq. (Jackson Lewis P.C.)
Jillian L. Hunt, Esq. (Jackson Lewis P.C.)